

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**PHOENIX LICENSING, L.L.C. and LPL
LICENSING, L.L.C.;**

Plaintiffs,

v.

ALLSTATE CORPORATION, et al.;

Defendants.

Civil Action 2:2009-cv-00255-TJW

Jury Trial Demanded

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants Barclays Bank PLC and Barclays Bank Delaware (collectively, “Barclays”) file this notice of supplemental authority in reference to Barclays’ Motion to Dismiss (Docket No. 95). In particular, in view of Barclays’ pending Motion to Dismiss and the Plaintiff’s recent new lawsuit using a similar complaint in this Court, *Phoenix Licensing, L.L.C. v. ING Bank FSB et al.*, 2:10-cv-00064, Barclays informs the Court of the following three decisions issued after the parties’ briefing, in which the court dismissed all or some claims, and no defendant opposed grant of leave to amend the dismissed claims: (1) *Joao Bock Transaction Sys. of Tex., LLC v. AT&T, Inc.*, No. 6:09-cv-00208-LED (E.D. Tex. Mar. 29, 2010) (involving allegations that “products and services” infringe as alleged in this case), attached hereto as Exhibit A; (2) *Landmark Tech. LLC v. Aeropostale*, 6:09-cv-00262-LED (E.D. Tex. Mar. 29, 2010), attached hereto as Exhibit B; and (3) *Clear with Computers, LLC v. Bergdorf Goodman, Inc.*, 6:09-cv-481-LED (E.D. Tex. Mar. 29, 2010), attached hereto as Exhibit C.

Dated: April 6, 2010

Respectfully submitted,

By: /s/ Neil J. McNabney

Thomas M. Melsheimer

txm@fr.com

Texas Bar No. 13922550

Neil J. McNabney

njm@fr.com

Texas Bar No. 24002583

Tim K. Brown

tkb@fr.com

Texas Bar No. 24043575

FISH & RICHARDSON P.C.

1717 Main Street, Suite 5000

Dallas, TX 75201

(214) 747-5070 (Telephone)

(214) 747-2091 (Facsimile)

Attorneys for Defendants

BARCLAYS BANK PLC; and

BARCLAYS BANK DELAWARE.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 6, 2010 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Chad B. Walker

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